



Security Council

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 22 May 2007 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Belgium to the United Nations presents its compliments to the members of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to refer to the note of 20 April 2007.

In response to that note, the Mission encloses herewith additional information on the measures taken by Belgium to implement the aforementioned resolution (see annex).

(Signed) Johan Verbeke
Ambassador

Permanent Representative of Belgium to the United Nations



**Annex to the note verbale dated 22 May 2007 from the
Permanent Mission of Belgium to the United Nations
addressed to the Chairman of the Committee**

1. In accordance with the conclusions of the General Affairs and External Relations Council of the European Union of 22 January and 12 February 2007, Belgium and other States members of the European Union jointly implemented restrictive measures laid down in Security Council resolutions 1737 (2006) and 1747 (2007) by adopting the following European instruments:¹

- In accordance with resolution 1737 (2006), Council Common Position 2007/140/CFSP of 27 February 2007² specifies restrictive measures against the Islamic Republic of Iran. These measures include restrictions on exports to and imports from the Islamic Republic of Iran of goods and technology which could contribute to enrichment-related, reprocessing or heavy water-related activities or contribute to the development of nuclear weapon delivery systems, prohibition of the provision of related services, prohibition of any investment related to these goods and technologies, prohibition of the procurement from the Islamic Republic of these goods and technologies as well as freezing of funds and economic resources of persons who and entities and organizations which engage in, are directly associated with or provide support for these activities or this development;
- Council Regulation (EC) No. 423/2007 of 19 April 2007³ implements the restrictions laid down in Council Common Position 2007/140/CFSP within the scope of the Treaty establishing the European Community. This regulation is binding in its entirety and directly applicable in all States members of the European Union;
- In accordance with resolution 1747 (2007), Council Common Position 2007/140/CFSP was amended by Common Position 2007/246/CFSP of 23 April 2007.⁴ Regulation 423/2007 was amended by Council Regulation (EC) No. 441/2007⁵ of 20 April 2007 and by Council Decision 2007/242/EC of 23 April 2007,⁶ which adds other names to the list of persons subject to a freezing of funds and resources;
- Common Position 2007/246/CFSP broadens the scope of the restrictive measures. By amending Common Position 2007/140/CFSP, it prohibits the direct or indirect supply, sale or transfer to the Islamic Republic of Iran of arms and related materiel of any kind. States members of the European Union are called on to cease to enter into commitments to provide grants, financial assistance and concessional loans to the Iranian Government.

¹ All common measures are published in the Official Journal of the European Union, which may be consulted at the following addresses: <http://eur-lex.europa.eu/JOIIndex.do?en> (published issues) and http://europe.eu.int/eur-lex/lex/RECH_menu.do?ihmlang=en (search form).

² Official Journal of the European Union L 61, 28.2.2007, p. 49.

³ Official Journal of the European Union L 103, 20.4.2007, p. 1.

⁴ Official Journal of the European Union L 106, 24.4.2007, p. 67.

⁵ Official Journal of the European Union L 104, 21.4.2007, p. 28.

⁶ Official Journal of the European Union L 106, 24.4.2007, p. 51.

2. Concerning the restriction on the provision of goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities as laid down in paragraphs 3, 4, 5 and 6 of resolution 1737 (2006):

- Regulation 423/2007 prohibits the export and import on all goods and technologies included in the lists of the Nuclear Suppliers Group (S/2006/814) and the Missile Technology Control Regime (S/2006/815). These goods and technologies are listed in annex I to the Regulation;
- Regulation 423/2007 also prohibits the export of other goods and technologies specified by the sanctions committee or the Security Council of the United Nations. These goods and technologies are also listed in annex I to the Regulation;
- In addition, Regulation 423/2007 specifies that prior authorization is required by the competent authority of the member State (listed in annex III) for the export of all goods and technologies not covered in annex I which could contribute to enrichment-related, reprocessing or heavy water-related activities, to the development of nuclear weapon delivery systems or to the pursuit of activities related to other topics about which the International Atomic Energy Agency (IAEA) has expressed concerns or identified as outstanding. These goods and technologies are listed in annex II to the Regulation;
- The Regulation specifies that it is also prohibited to provide technical assistance, brokering services, investments, financing or financial assistance related to the goods and technologies referred to in annex I. With respect to those listed in annex II, prior authorization by the competent authority of the member State is required.

3. In accordance with paragraphs 5 and 6 of resolution 1747 (2007) Belgium has legislation requiring export licences for any sale, supply, transfer or export of arms and related materiel to third countries. In addition to Common Position 2007/140/CFSP (as amended by Common Position 2007/246/CFSP), this legislation provides the basis for implementation of the arms embargo against the Islamic Republic of Iran and the prohibition of the provision of related services, as follows:

- The Act of 5 August 1991⁷ on the import, export and transit of and combating of trafficking in weapons, ammunition and materiel specifically destined for military use or the maintenance of order, and of related technology, as amended by the Act of 26 March 2003, prohibits any person residing in Belgium from taking part in a transaction involving weapons, etc., unless that person has a licence issued for that purpose by the Ministry of Justice. In addition, the Act specifies that licence holders may not effect any transaction that would violate an embargo decreed by an international organization of which Belgium is a member (articles 10 and 11). Lastly, the same Act states that any application for an export or transit licence should be denied if it is incompatible with the international obligations of Belgium and with the commitments that it has made to apply the arms embargoes decreed by the United Nations, the Organization for Security and Cooperation in Europe and the European Union (article 4, paragraphs 1 and 2).

⁷ A consolidated version of the Belgian laws and regulations may be consulted at the following address: http://www.juridat.be/cgi_loi/legislation.pl.

At the European level, a new regulation for the implementation of Common Position 2007/140/CFSP (as amended by Common Position 2007/246/CFSP) is pending adoption.

4. Paragraph 7 of resolution 1747 (2007), which calls upon States to cease to enter into commitments to provide grants, financial assistance and concessional loans to the Iranian Government, is reflected in Common Position 2007/246/CFSP. A new regulation for implementation is pending adoption.

As the Islamic Republic of Iran is not included in the list of Belgian cooperation partner countries, the opportunities for any grants are rather limited. In the preliminary policy review, the obligations arising from resolution 1747 (2007) preclude the provision of bilateral financial support for exports.

5. With respect to restrictions on entry into or transit through territories referred to in paragraph 10 of resolution 1737 (2006):

- Common Position 2007/140/CFSP establishes, for the purposes of visa issue prohibition, the list of persons designated in the annex to resolution 1737 (2006). These persons are listed in annex I to the Common Position. In accordance with the expanded list under paragraph 2 of resolution 1747 (2007), Common Position 2007/140/CFSP is amended by Common Position 2007/246/CFSP (which replaces annex I).
- In addition, by using the same criteria as those used by the Security Council (or by the Committee) to identify persons concerned, States members of the European Union must take the necessary steps to prevent the entry into or transit through their territory by other persons. These persons are listed in annex II to the Common Position.

The two lists are transmitted to Belgian diplomatic and consular missions abroad with instructions not to issue visas to the persons covered by the sanctions. This refusal to issue visas is based on article 5 (e) of the Convention implementing the Schengen Agreement and reflects Council Common Position 2006/140/CFSP (as amended by Common Position 2006/246/CFSP).

Any person on the list who appears at the border would be refused entry in accordance with article 3 of the Act of 15 December 1980 on the entry, stay, permanent residence and removal of aliens.

6. With respect to the freezing of funds and economic resources in accordance with paragraph 12 of resolution 1737 (2006):

- For the purpose of the freezing of funds and economic resources, Common Position 2007/140/CFSP includes the list of persons designated in the annex to resolution 1737 (2006). These persons are listed in annex I to the Common Position. In accordance with the expanded list under paragraph 4 of resolution 1747 (2007), Common Position 2007/140/CFSP was amended by Common Position 2007/246/CFSP (which replaces annex I);
- In addition, Common Position 2007/140/CFSP specifies that the assets of other persons (not mentioned in annex I) who meet the criteria applied by the Security Council (or by the Committee) for identifying the persons concerned must also be frozen. These persons are listed in annex II to the Common Position. This Common Position was amended by Common Position 2007/246/CFSP (which replaces annex II);

- Council Regulation (EC) No. 423/2007 of 19 April 2007 implements this restriction in the European Community. In accordance with resolution 1747 (2007), this Regulation was amended by Commission Regulation (EC) No. 441/2007 of 20 April 2007 (which replaces annex IV of Regulation No. 423/2007);
- Having found that some persons meet the same criteria used by the Security Council (or sanctions committee), the General Affairs and External Relations Council added other names of persons subject to a freezing of funds and resources by Council Decision 2007/242/EC of 23 April 2007 (and thus replaced annex V to the Position and to Regulation 423/2007). The Council published this decision for the attention of the persons concerned by notice.⁸

7. The vigilance measures referred to in paragraph 17 of resolution 1737 (2006) are reflected in Common Position 2007/246/CFSP.

In Belgium, applications for student internships in sensitive nuclear research facilities are submitted for approval to the nuclear regulatory agency and other competent authorities.

8. Council Regulation (EC) No. 423/2007 requires member States to set up a sanctions regime to be applied in case of infringement of their provisions. The penalties imposed by Belgium are determined by the following legislation:

- Nuclear and missile-related embargo: implementation of article 10 of the Act of 11 September 1962 concerning the import, export and transit of goods and related technologies. In accordance with this provision, violations of the Act are penalized under articles 231, 249-253 and 263-284 of the General Act on Customs and Excise, mainly including:
 - Financial penalties equal to the value of the goods subject to the measures. These goods are also seized. In the event of improper use of authorization with respect to a third party, the declarant, transferor and transferee are jointly liable to the penalty;
 - In the event of insolvency, a set term of imprisonment is applied in accordance with article 40 of the Penal Code;
- Freezing of funds and economic resources: article 6 of the Act of 13 May 2003 concerning the implementation of the restrictive measures adopted by the Council of the European Union against States and certain persons and entities specifies that infringements of the measures contained in the European Union regulations or the decisions adopted in pursuance of such regulations are punished by a prison sentence of from eight days to five years and a fine of from 25 to 25,000 euros;
- Arms embargo: article 12 of the above-mentioned Act of 5 August 1991 states that infringements of articles 10 and 11 will be punished by a prison sentence of from one month to five years and a fine of from 10,000 to 1 million euros or by one of those penalties only.

⁸ Official Journal of the European Union C 90, 25.4.2007, p. 30.



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Security Council Committee established pursuant to resolution 1737 (2006)

Letter dated 23 May 2007 from the Permanent Representative of Canada to the United Nations addressed to the Chairman of the Committee

As requested in paragraph 8 of Security Council resolution 1747, I am pleased to submit Canada's report on the implementation of measures decided by resolution 1747 (see annex).

(Signed) John McNee
Ambassador
Permanent Representative



Annex to the letter dated 23 May 2007 from the Permanent Representative of Canada to the United Nations addressed to the Chairman of the Committee

Paragraph 8 of Security Council Resolution 1747 (2007) of 24 March 2007 (the Resolution) calls upon all Member States to report to the 1737 Committee, within sixty days of the date of adoption of the Resolution, on the steps taken with a view to implementing effectively the Resolution.

Canada wishes to inform the Committee that it is effectively implementing all measures mandated by the Resolution through the application of the *Regulations Implementing the United Nations Resolution on Iran* (the Iran Regulations) (SOR/2007/44) and the *Regulations Amending the Regulations Implementing the United Nations Resolution on Iran* (the Amendments to the Iran Regulations) (SOR/2007/105) made under the *United Nations Act*, as well as the *Export and Import Permits Act* as follows:

Paragraph 2:

[...] decides in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution 1737 (2006) (herein "the Committee") of the entry into or transit through their territories of the persons designated in the Annex to resolution 1737 (2006) or Annex I to this resolution, as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of that resolution.

Sections 13 and 14 of the Iran Regulations authorize disclosure to the 1737 Committee of the entry into, or transit through, Canada of the persons designated in the Annex to Resolution 1737 and any other persons designated by the Security Council or the 1737 Committee, including those designated in Annex I to Resolution 1747.

It should be noted, however, that the Annex to Resolution 1737 as well as Annex I to Resolution 1747 provide minimal information regarding the designated individuals. As a result, identification of these individuals will be more difficult.

Paragraph 4:

Decides that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the persons and entities listed in Annex I to this resolution;

As stated in Canada's report to the 1737 Committee on the implementation on Resolution 1737 (2006), paragraph 12 of Resolution 1737 is implemented in Canada pursuant to section 9 of the Iran Regulations which prohibits all persons in Canada and all Canadians outside Canada from:

- (a) dealing directly or indirectly in any property in Canada as at December 23, 2006 or at any time after that date, that is owned or controlled by a designated person, by a person acting on behalf of, or at the direction of, a designated person, or by a person owned or controlled by a designated person;
- (b) entering into or facilitating financial transaction related to dealings referred to in paragraph (a) above;
- (c) providing financial or related services in respect of the property referred to in paragraph (a) above; or
- (d) making any property or any financial or other related service available, directly or indirectly, to or for the benefit of a designated person.

The definition of "designated person" in the Iran Regulations is dynamic and captures all individuals and entities designated in the Annex to Resolution 1737, as well as any other individual or entity otherwise designated by the Security Council or the 1737 Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems. This definition therefore includes all designations in Annex I to Resolution 1747.

In accordance with paragraphs 13 and 15 of the Resolution, sections 17, 18 and 19 of the Iran Regulations also allow for exemptions to the assets freeze.

In addition, pursuant to section 10 of the Iran Regulations, all persons in Canada and all Canadians abroad are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by section 9.

It should be noted, however, that the Annex to Resolution 1737 provides minimal information regarding the designated individuals and entities. As a result, identification of these individuals and entities will be more difficult.

Paragraph 5:

Decides that Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran;

Section 3 of the Amendments to the Iran Regulations amended sections 7 and 8 of the Iran Regulations to also cover arms and related material.

Pursuant to section 7 of Iran Regulations as amended, all Canadians and all persons and entities in Canada are prohibited from procuring arms and related material from any person in Iran or any person acting on behalf of, at the direction of, or for the benefit of, Iran. Also, pursuant to section 8 of the Iran Regulations as amended, owners or masters of Canadian ships and operators of aircrafts registered in Canada may not carry, cause to be carried or permit to be carried any of those goods.

In addition, pursuant to section 10 of the Iran Regulations, all persons in Canada and all Canadians abroad are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by sections 7 and 8.

Moreover, some of goods that fall within the category of arms and related material are subject to import controls under the Import Control List under the *Export and Imports Permits Act*.

Ottawa, May 23, 2007



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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 23 May 2007 from the Permanent Mission of Yemen to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Yemen to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), and has the honour to enclose herewith the report of the Government of the Republic of Yemen pursuant to paragraph 19 of resolution 1737 (2006) (see annex).



Annex to the note verbale dated 23 May 2007 from the Permanent Mission of Yemen to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

Report of the Republic of Yemen pursuant to Security Council resolution 1737 (2006)

Pursuant to Security Council resolution 1737 (2006) and in implementation of paragraph 19 thereof concerning the submission by States of a report to the Committee on steps taken to implement paragraphs 3, 4, 5, 6, 7, 10, 12 and 17, the steps taken by the Republic of Yemen are set out below.

1. With regard to paragraphs 3 and 4 of the resolution, the Republic of Yemen is taking the necessary measures to prevent the supply of any items, materials, equipment, goods and technology which could contribute to Iranian enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, including all items and materials set out in paragraphs 3 (a), (b) and (c) and 4 (a), (b) and (c).

2. With regard to paragraph 5, the Republic of Yemen is complying with the provisions of subparagraphs (a), (b), (c) and (d), including as they relate to the materials and items mentioned in documents S/2006/814, S/2006/815 and S/2006/985.

3. With regard to paragraph 6, the Republic of Yemen is taking all necessary measures to prevent the provision to the Islamic Republic of Iran of any technical assistance or training, financial assistance, investment or other services, or the transfer of financial resources or services related to the supply, transfer, sale, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 of the resolution.

4. With regard to paragraph 7, there are no import or export activities between the Republic of Yemen and the Islamic Republic of Iran relating to the materials or items mentioned in documents S/2006/814 and S/2006/815.

5. With regard to paragraphs 10 and 12, the Yemeni authorities and the relevant national bodies have been informed of the list of persons and entities engaged in nuclear and ballistic missile activities designated by the Committee and will take the necessary measures in this regard.

6. With regard to paragraph 17, there is no cooperation relating to the teaching or training of Iranian specialists or nationals in Yemen by the Government of Yemen or by Yemeni nationals in disciplines that could contribute to the proliferation-sensitive nuclear activities of the Islamic Republic of Iran or the development of nuclear weapon delivery systems.